

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ANDRES MASQUEDA SERRANO,

Plaintiff,

v.

ROBERT RUDAS

Defendant.

Case No.: 1:22-cv-00950-KES-CDB

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND GRANTING
DEFENDANT'S PARTIAL MOTION FOR
SUMMARY JUDGMENT

Doc. 52

Plaintiff Andres Masqueda Serrano is proceeding pro se and in forma pauperis on his complaint filed pursuant to 42 U.S.C. § 1983. Doc. 1. The matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On November 19, 2024, defendant Robert Rudas moved for partial summary judgment as to plaintiff's claim that defendant was deliberately indifferent to his serious medical needs by failing to provide adequate medical treatment for plaintiff's knee. Doc. 39. Defendant argues that plaintiff failed to exhaust administrative remedies except as to his claim that defendant inappropriately discontinued his pain medication. *Id.* On May 22, 2025, the assigned magistrate judge issued findings and recommendations recommending that defendant's partial motion be granted. Doc. 52. The findings and recommendations were served on plaintiff and contained notice that any objections were to be filed within fourteen (14) days after service. *Id.* at 21. No

1 objections have been filed, and the deadline to do so has passed.

2 In accordance with 28 U.S.C. § 636(b)(1), this Court has reviewed this case de novo.
3 Having carefully reviewed the matter, the Court concludes that the findings and recommendations
4 are supported by the record and proper analysis.

5 Accordingly:

- 6 1. The findings and recommendations issued on May 22, 2025, Doc. 52, are ADOPTED
7 IN FULL.
- 8 2. Defendant's motion for partial summary judgment, based on plaintiff's failure to
9 exhaust his claim that defendant Rudas failed to provide adequate medical care,
10 Doc. 39, is GRANTED.
- 11 3. Plaintiff's claim against defendant Rudas alleging a violation of the Eighth
12 Amendment for deliberate indifference to plaintiff's serious medical needs, based on
13 the allegation that Defendant Rudas failed to provide adequate medical care, is
14 DISMISSED without prejudice.
- 15 4. Plaintiff's specific claim that defendant Rudas was deliberately indifferent to
16 plaintiff's serious medical needs by discontinuing his pain medications was not at
17 issue in the motion for partial summary judgment and is not dismissed.
- 18 5. This matter is referred back to the assigned magistrate judge for further proceedings.

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21 IT IS SO ORDERED.

22 Dated: July 27, 2025


UNITED STATES DISTRICT JUDGE